

SIKKIM



GOVERNMENT

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**GOVERNMENT OF SIKKIM
SOCIAL JUSTICE & WELFARE DEPARTMENT
LUMSEY, 5TH MILE, TADONG**

No. 02/SJ&WD/SWD/2021

Dated: 14/06/2021

NOTIFICATION

Whereas the State Government has deemed it expedient to change the existing name of Subsistence Allowance to Chief Minister's State Disability Pension Scheme (CMSDPS) and whereas it is necessitated to frame rules for providing Chief Minister's State Disability Pension Scheme (CMSDPS) accordingly to the Persons with Benchmark Disability in the State of Sikkim;

Now, therefore, the State Government is pleased to hereby make the following rules regulating grant of Chief Minister's State Disability Pension Scheme (CMSDPS) to the Persons with Benchmark Disabilities with immediate effect namely:

***Short title and
commencement***

1. (1) These rules may be called the Chief Minister's State Disability Pension Scheme (CMSDPS) Rules, 2020.
(2) They shall come into force at once.
2. In these rules, unless the context otherwise requires;-
 - (a) "Department" means the Social Justice & Welfare Department;
 - (b) "Form" means the form appended to these rules;
 - (c) "Government" means the Government of Sikkim;
 - (d) "Local resident" means a person possessing Sikkim Subject Certificate or Certificate of Identification, or Residential Certificate notified vide notification no: 23/Home/2015 dated 15/05/2015 read with notification no: 14/HOME/2018 dated 13/03/2018.
 - (e) "Poor and Needy" means a person having no regular source of income of his/her own, no financial support from family members, Below Poverty Line Certificate holder or Income Certificate issued by Block Development Officer/SDM of respective locality;
 - (f) "Secretary" means the Additional Chief Secretary/ Principal

Secretary/Commissioner-cum-Secretary/ Secretary of the Social Justice & Welfare Department;

- (g) "Persons with Benchmark Disabilities" means a Person with not less than 40% of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority as defined under sub-section (r) of Section (2) of Rights of Persons with Disabilities Act, 2016;
- (h) "Persons with Disabilities" means a persons with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinder his full and effective participation in society equally with other as defined under sub section (S) of section (2) of Rights of Persons with Disabilities Act, 2016;
- (i) "Specified Disability" means the disabilities as specified in the schedule as per sub-section (zc) of section 2 of Rights of Persons with Disabilities Act, 2016 namely:
 - 1. Physical disability—
 - A. Locomotor disability
 - (a) Leprosy cured person
 - (b) Cerebral palsy
 - (c) Dwarfism
 - (d) Muscular dystrophy
 - (e) Acid attack victims
 - B. Visual impairment—
 - (a) Blindness
 - (b) Low-vision
 - C. Hearing impairment—
 - (a) Deaf
 - (b) Hard of hearing
 - D. Speech and language disability
 - 2. Intellectual disability
 - (a) Specific learning disabilities
 - (b) Autism spectrum disorder
 - 3. Mental behaviour Mental illness.
 - 4. Disability caused due to—
 - (a) Chronic neurological conditions such as:
 - i. Multiple sclerosis
 - ii. Parkinson's disease

- (b) Blood disorder:
 - i. Haemophilia
 - ii. Thalassemia
 - iii. Sickle Cell disease

- 5. Multiple Disabilities
- 6. Any other category as may be notified by the Central Government
- (j) "Disability Screening Board" means the Board consisting of Doctors and Specialists at the level of District Hospitals and New Multi Speciality STNM Hospital, Sohaygang in the related speciality as constituted by the Government from time to time.
- (k) "Form" means the form appended to these rules.

Range of Disability percentage and age for eligibility of CMSDPS

- 3. a) From the day of birth: 40% to 79% of specified or multiple disabilities- Certificate issued by the Disability Screening Board (through UDID Portal www.swavlambancard.gov.in).
- b) For age group below 18 years, eligibility percentage 80% and above of specified or multiple disabilities of certificate issued by the Disability Screening Board (through UDID Portal www.swavlambancard.gov.in)

Amount of Chief Minister's Disability Pension Scheme

- 4. The amount of Chief Minister's State Disability Pension Scheme (CMSDPS) payable to each beneficiary shall be as such as may be notified by the Government from time to time.

Selection Committee

- 5. There shall be a Selection Committee for the purpose of selection of beneficiaries consisting of the following members, namely:
 - (1) Additional Chief Secretary/ Principal Secretary/Commissioner-cum-Secretary/ Secretary, Social Justice and Welfare Department - **Chairperson;**
 - (2) Joint Secretary, Social Welfare Division - **Member;**
 - (3) Social Welfare Officer/ Under Secretary/ Deputy Secretary Social Welfare Division - **Member Secretary**

Cessation of Chief Minister's Disability Pension Scheme

- 6. (1) The Chief Minister's State Disability Pension Scheme (CMSDPS) shall be ceased from the date of the death of beneficiary. The amount due up to the respective month of his/her death shall be paid to the immediate member of the beneficiary for the entire month, and the passbook is to be surrendered thereof to the Department;

- (2) In case of permanent migration of the beneficiary outside Sikkim, the Chief Minister's State Disability Pension Scheme (CMSDPS) shall cease to be payable from the date of his/her migration. In such event the Panchayat or family member of the beneficiary shall hand over the pass book to the Department;

**Authority
Competent to
sanction Chief
Minister's
Disability Pension
Scheme**

7. The Authority Competent to sanction Chief Minister's State Disability Pension Scheme (CMSDPS) shall be the Additional Chief Secretary/ Principal Secretary/ Commissioner-cum-Secretary/ Secretary, Social Justice & Welfare Department.

**Procedure for
application**

8. Application for grant of Chief Minister's State Disability Pension Scheme (CMSDPS) shall be made in the Form appended to these rules which can be obtained free of cost at our head office and district offices till such a time online provisions are made. Along with the form, the applicant shall submit 3 (three) passport size photographs, Sikkim Subject Certificate or Certificate of Identification or Residential Certificate, Below Poverty Line Certificate/ Priority Household (PHH)/ Antyodaya Anna Yojana (AAY) or Income Certificate issued by Block Development Officer/SDM of respective locality, attested copy of date of birth, Elector Photo Identity Card, Adhaar Card, Disability Certificate and UDID Card duly certified by the concerned authority.

**Procedure for
Grant of Chief
Minister's
Disability Pension
Scheme**

9. (1) On receipt of the application in the prescribed form, the Committee shall scrutinize the age, Sikkim Subject Certificate or Certificate of Identification or Residential Certificate, Below Poverty Line/ Priority Household (PHH)/ Antyodaya Anna Yojana (AAY) or Income Certificate etc. and after scrutinization of the complete document, approval shall be accorded by the Additional Chief Secretary/ Principal Secretary/ Commissioner-cum-Secretary/ Secretary, Social Justice & Welfare Department.
- (2) A copy of the order for the grant and payment of Chief Minister's State Disability Pension Scheme (CMSDPS) shall be endorsed to the District Collector, Sub-Divisional Magistrate, Block Development Officer, Social Welfare Officer, and Panchayats of respective jurisdiction where the applicant actually resides.

**Payment of Chief
Minister's
Disability Pension
Scheme**

10. (1) Additional Chief Secretary/ Principal Secretary/ Commissioner-cum-Secretary/ Secretary, Social Justice & Welfare Department shall be the competent authority to make payment of Chief Minister's State Disability Pension Scheme (CMSDPS).
- (2) The Chief Minister's State Disability Pension Scheme (CMSDPS) shall be disbursed through Direct Benefit Transfer or any other means as decided by the Sanctioning/ Competent Authority from time to time.
- (3) The details of the beneficiary along with other personal details such as bank accounts, address, age etc. shall be maintained by

the Department as per the details provided by the beneficiary from time to time.

***Renewal of
Disability
Certificate***

11. The beneficiaries need to submit reviewed disability certificate from the district medical screening board (through UDID Portal www.swavlambancard.gov.in) as and when called for by the Department.

Verification

12. If required, concerned functionary of the Department shall make tour to villages and towns to verify the existence of the beneficiary and other relevant particulars.

***Intimation of
death of the
beneficiary***

13. In the event of death of the beneficiary, the family member/ Panchayat shall immediately report and also surrender the passbook to the Department.

Penalty

14. The authority competent to grant Chief Minister's State Disability Pension Scheme (CMSDPS) shall have the right to recover payments made on the basis of false, forged or mistaken information, if any, about eligibility and death of beneficiaries.

This Notification supersedes the Notification no: 14/SJE/WD dated 22/03/2014.

By order and in the name of the Governor.

**Tshewang Gyachho, SCS
Secretary
File No: GOS/SJ&WD/SWD/2020**

